

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRIAN KARRIS,

Plaintiff,

v.

C.O. BURNS,

Defendant.

DECISION AND ORDER
15-CV-599-A

This prisoner's civil rights case brought under 42 U.S.C. § 1983 was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for conduct of pretrial proceedings. On November 27, 2019, Magistrate Judge Roemer filed a Report and Recommendation (Dkt. No. 37), recommending that defendant's Fed. R. Civ. P. 56 motion for summary judgment (Dkt. No. 33) be granted and, alternatively, that the case be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Roemer's Report and Recommendation, plaintiff's complaint is dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and because plaintiff failed to exhaust administrative remedies.

The Clerk of Court shall close the case.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 27, 2020